

**FEDERAL COMMUNICATIONS COMMISSION**

**445 12th Street, S.W.  
WASHINGTON DC 20554**

**MEDIA BUREAU  
AUDIO DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: WWW.FCC.GOV/MB/AUDIO**

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Living Way Ministries, Inc.  
14820 Sherman Way  
Van Nuys, CA 91405

**SEP 17 2010**

In re: K220HC, Sun Valley, CA  
BPFT-20100526ACY  
Facility ID # 91759

Dear Applicant:

This refers to: (1) the above-captioned application for K220HC, Sun Valley, California.

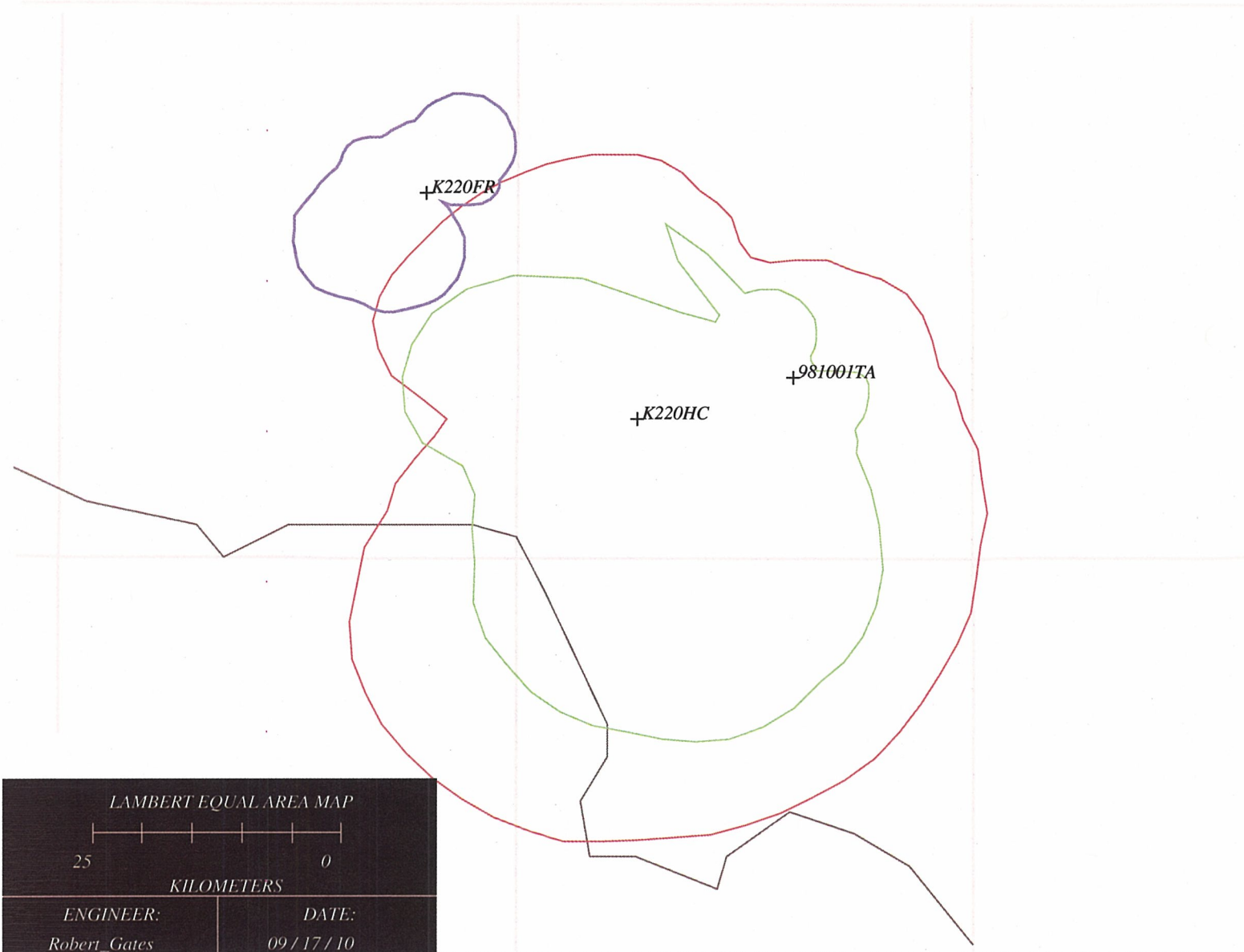
An engineering study has revealed the application violates 47 C.F.R. § 74.1204(a) with respect to K220FR, Simi Valley, California (BLFT-20061221AAO). Section 74.1204(a) states that an application for a FM translator station will not be accepted if the proposed operation would involve prohibited overlap of predicted field strength contours with any other authorized station. The proposed 40 dBu interference contour overlaps with the 60 dBu protected contour of K220FR. The applicant acknowledges the prohibited overlap and requests a waiver stating there is terrain shielding therefore no interference is possible. No additional supporting documentation was supplied. The applicant has not demonstrated that this waiver is unique and compelling. When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded Living Way Ministries, Inc.'s waiver request the "hard look" called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 CFR Section 74.1204.

Accordingly, the request for waiver of 74.1204(a), IS HEREBY DENIED, and the Application BPFT-20100526ACY IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP  
 BOTTOM LATITUDE: 33.64 TOP LATITUDE: 34.52 LEFT LONGITUDE: -118.95 RIGHT LONGITUDE: -117.78  
 MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 34.08 LONG: -118.37 GRID SPACING: 0.50  
 KILOMETERS / INCH = 16.07  
 PLOT MADE ON : 17 September, 2010 9:13 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1
K220HC	FX	SUN VALLEY,CA	BMPFT-20100526ACY	40.0 dBu (50,10)	220D	0.010	303.7	512.0	3400.6 sq km	0
981001	FX	SUN VALLEY,CA	BPFT-19981001TA	40.0 dBu (50,10)	220D	0.010	163.5	575.0	1761.0 sq km	0
K220FR	FX	SIMI VALLEY,CA	BLFT-20061221AAO	60.0 dBu (50,50)	220D	0.010	656.4	1133.0	312.4 sq km	0

No topographic data is available for this location.  
 A1 - Number of radials where free space equation was used for field strength calculations.  
 A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.